

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 IO-13

ACDA-07 SAJ-01 /080 W

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R 101932Z SEP 76

FM AMEMBASSY BONN

TO SECSTATE WASHDC 1757

INFO AMEMBASSY BERLIN

USMISSION NATO BRUSSELS

AMEMBASSY PARIS

AMEMBASSY LONDON

AMEMBASSY MOSCOW

USMISSION USBERLIN

C O N F I D E N T I A L SECTION 01 OF 02 BONN 15261

E.O. 11652: GDS

TAGS: PGOV, WB, SU

SUBJECT: SOVIET PROTESTS OF AUGUST 26 ON FRG
ACTIVITIES IN BERLIN

REFS: (A) USBER 1784; (B) BONN 14647; (C) USBER 1828

SUMMARY: BONN GROUP HAS REACHED AD REF AGREEMENT ON
REPLY TO SOVIET PROTEST ON SAARLAND CDU MEETING IN
BERLIN. DRAFTING IS CONTINUING ON REPLY TO SOVIET
PROTEST ON VOGEL PARTICIPATION IN INSTALLATION CEREMONY
IN BERLIN WITH AD REF AGREEMENT EXPECTED NEXT WEEK.
END SUMMARY.

1. THE SOVIET PROTESTS OF AUGUST 26 ON THE MEETING IN
BERLIN OF THE SAARLAND CDU FRAKTION AND ON THE
PARTICIPATION OF JUSTICE MINISTER VOGEL IN INSTALLATION
CEREMONY OF THE PRESIDENT OF THE FEDERAL ADMINISTRATIVE
COURT (REF A) WERE CONSIDERED IN SEPTEMBER 9 BONN GROUP
MEETING. AD REFERENDUM AGREEMENT WAS REACHED ON A
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REPLY TO THE SOVIET PROTEST ON THE SAARLAND CDU MEETING.

DRAFTING IS CONTINUING ON A REPLY TO THE SOVIET PROTEST
ON VOGEL.

2. CONCERNING THE SAARLAND PROTEST, UK REP (HITCH)
ASKED FOR CLARIFICATION ON WHETHER THE MEETING IN BERLIN
HAD BEEN, AS THE SOVIETS ALLEGED, A JOINT MEETING OF
THE CDU GROUP AND THE SAARLAND GOVERNMENT. FRG REP
(HENZE) SAID THE MEETING WAS OF THE CDU FRAKTION AND WAS
NOT A GOVERNMENT MEETING. SAARLAND, OF COURSE,
HAS A CDU GOVERNMENT; HOWEVER, MINISTERS PARTICIPATED AS
FRAKTION MEMBERS AND NOT AS CABINET MEMBERS. THERE IS
NO PROVISION FOR "JOINT MEETINGS"
OF A GOVERNMENT WITH A PARLIAMENTARY GROUP.

3. AD REF AGREEMENT WAS THEN REACHED FOR A REPLY TO THE
SOVIETS ALONG THE LINES PROPOSED IN REF C WITH MINOR
LINGUISTIC CHANGES.

BEGIN TEXT:

WITH RESPECT TO YOUR STATEMENT OF AUGUST 26 ON A MEETING
IN BERLIN OF THE CDU PARLIAMENTARY GROUP OF THE SAARLAND
PARLIAMENT, I HAVE BEEN ASKED BY THE THREE ALLIED
GOVERNMENTS TO REFER YOU TO THE STATEMENTS MADE BY THEIR
REPRESENTATIVES IN CONNECTION WITH A SIMILAR MATTER TO
THE SOVIET EMBASSIES IN LONDON, PARIS, AND WASHINGTON ON
MAY 28, 1976. THESE WERE IN RESPONSE TO STATEMENTS MADE
BY THE SOVIET EMBASSIES ON APRIL 30, 1976. OUR POINT OF
VIEW REMAINS UNCHANGED.

END TEXT.

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3. IT WAS ALSO AGREED THAT, IN DELIVERING THE REPLY,
THE POLAD MIGHT ADD ORALLY THAT THERE IS NO SUCH THING
AS A JOINT GOVERNMENT-FRAKTION MEETING.

4. CONCERNING THE VOGEL PROTEST, HITCH ASKED THE FRG
FOR MORE INFORMATION ON WHAT HAD TAKEN PLACE. HENZE
REPLIED THAT FEDERAL MINISTERS HAD TAKEN PART IN SUCH
INSTALLATION INTO OFFICE CEREMONIES IN BERLIN IN THE
PAST. FOR EXAMPLE, WITHIN THE PAST TWO YEARS, FEDERAL
MINISTERS HAD PARTICIPATED IN THE INSTALLATION OF THE
HEADS OF THE FEDERAL BANK CREDIT OFFICE AND THE FEDERAL
INSURANCE SUPERVISORY OFFICE. CHAMBERLAIN (UK REP)
ASKED WHAT LEGAL SIGNIFICANCE THE ACTION HAD.
HENZE SAID THERE WAS NONE. SIGNING THE DOCUMENT OF
APPOINTMENT WAS LEGALLY SIGNIFICANT. HOWEVER, THIS WAS
DONE IN BONN. HANDING OVER THE DOCUMENT OF APPOINTMENT
ESTABLISHES THE AUTHORITY OF THE INDIVIDUAL. THIS HAD
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ALREADY BEEN DONE. VOGEL'S PARTICIPATION IN THE
CEREMONY MARKING THE ASSUMPTION OF OFFICE THUS HAD NO
LEGAL SIGNIFICANCE.

5. HITCH SAID THE BRITISH WOULD DRAFT A REPLY TO THE
SOVIETS. AT SEPTEMBER 10 BONN GROUP MEETING, THE UK
TABLED A DRAFT ALONG THE LINES OF THAT IN REF C.

6. WE WOULD ASSUME THAT AD REF AGREEMENT ON A
REPLY TO THE SOVIET PROTEST ON VOGEL WILL BE REACHED AT
THE BONN GROUP MEETING SCHEDULED FOR SEPTEMBER 14. AT
THAT TIME, WE WOULD REQUEST APPROVAL BY DEPARTMENT OF
BOTH THE VOGEL AND SAARLAND TEXTS ON THE
ASSUMPTION THAT REPLIES TO BOTH PROTESTS SHOULD BE MADE
SIMULTANEOUSLY IN BERLIN BY CHAIRMAN POLAD.

HILLENBRAND

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